

MINUTES OF MEETING
CASS COUNTY JOINT WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JUNE 25, 2015

The Cass County Joint Water Resource District met on June 25, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug and Dan Jacobson, Southeast Cass Water Resource District; Rodger Olson, Maple River Water Resource District; Ken Lougheed, North Cass Water Resource District; Carol Harbeke Lewis, Secretary-Treasurer; Michelle Anderson, Administrative Assistant; Sean M. Fredricks, Chris McShane, and Lukas Andrud, Attorneys for the Board; Lee Beauvais, Chad Engels and Kurt Lysne, Engineers for the Board; Bruce Spiller and Ty Smith, CH2M HILL Engineers, Inc.; Eric Dodds, Dustin Dale, and Tanaya Reitz, Advanced Engineering and Environmental Services, Inc. (AE2S); Paul Breen, Fargo resident; William Hejl, Rush River Water Resource District; and Jacob Gust, Reed Township resident. Absent was Raymond Wolfer, Rush River Water Resource District.

Minutes

It was moved by Manager Olson, seconded by Manager Lougheed and unanimously carried to approve the minutes of the June 11 (two sets) and June 22, 2015, meetings.

Agenda

It was moved by Manager Jacobson, seconded by Manager Lougheed and unanimously carried to approve the order of the agenda.

Metro Flood Diversion Project – access update

Chris McShane gave an access update to the Board. Attempts will be made to contact landowners for the next two weeks. Court action for access will be filed after July 4, 2015, to meet the September 1 deadline set by the Corps of Engineers.

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve the *Resolution of Necessity* regarding access for the Metro Flood Diversion Project. Upon roll call vote, the motion carried unanimously. A copy of the Resolution is attached hereto.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – relocation benefits

Tanaya Reitz presented and gave a review of the relocation benefit requests. Brief discussion was held on the administrative responsibilities by the property management company for Park East Apartments, Inc.

It was moved by Manager Olson and seconded by Manager Jacobson to approve the Relocation and Replacement Housing payments as outlined in the letter dated June 22, 2015, regarding the In Town Levees Project and the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Metro Flood Diversion Project / Oxbow-Hickson-Bakke Ring Levee Project / In Town Levees Project – land acquisition – transfer of utilities

Discussion was held on the process of how to handle the transfer of utilities on properties acquired by the Cass County Joint Water Resource District.

It was moved by Manager Loughheed and seconded by Manager Olson to approve the *Cass Rural Water Users District Water User Agreement* for the following properties in Pleasant Township, Cass County, North Dakota, for the Oxbow-Hickson-Bakke Ring Levee Project:

- Lots 1 and 2, Block 1, Babe's Addition;
- Lot 3, Block 1, Babe's Addition; and
- Part of Government Lots 2 and 3 in Section 18.

Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Loughheed to approve and authorize Chairman Brodshaug to sign the *Easement* with the City of Oxbow in the West Half of Lot 142, Oxbow Country Club and Estates, City of Oxbow, Cass County, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Jacobson to approve and authorize Chairman Brodshaug to sign the *Addendum to Purchase Agreement* for 349 Schnell Drive, Oxbow, North Dakota, regarding the Oxbow-Hickson-Bakke Ring Levee Project. Upon roll call vote, the motion carried unanimously.

Sean Fredricks reported the Diversion Authority signed and approved the *Agreement* to clarify indemnification of the Board on June 11, 2015.

Metro Flood Diversion Project – project updates

Mr. Fredricks informed the Board the Request for Stay filed by the Diversion Authority was denied. Attorneys for the Diversion Authority intend to file a motion for clarification on the injunction.

It was moved by Manager Olson and seconded by Manager Jacobson to approve payment to reimburse Oxbow Golf and Country Club in the amount of 408,501.95 for various engineering, architecture, and construction services. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Olson and seconded by Manager Loughheed to authorize CH2M HILL Engineers, Inc. to hire Wanzek Construction to offload the 42" coated steel pipe and the Elastomeric Duckbill Check Valve at 1201 West Main Avenue, West Fargo, North

Dakota, regarding Oxbow-Hickson-Bakke Ring Levee Project Work Package 43D, at a cost not to exceed \$5,000. Upon roll call vote, the motion carried unanimously.

It was moved by Manager Jacobson and seconded by Manager Lougheed to authorize CH2M HILL Engineers, Inc. to hire HCI to seed 8 acres on the surcharge site and to conduct erosion control maintenance for the 2015 summer season, as needed, for the Oxbow-Hickson-Bakke Ring Levee Project, not to exceed a cost of \$25,000. Upon roll call vote, the motion carried unanimously.

Lee Beauvais updated the Board on construction activities within the City of Oxbow.

Assessment District – Jonathan Garaas appeal of creation of FM Flood Risk Management District No. 1

Sean Fredricks updated the Board on the appeal filed by Jonathan Garaas. Mr. Fredricks is gathering and coordinating with staff and consultants to obtain all documentation needed. Chris McShane will be working with Mr. Fredricks on the response to the appeal.

Maple River Dam – agreement with Highland Township

Kurt Lysne reported he met with Highland Township officials to discuss road closure procedures regarding the Maple River Dam.

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve the *Agreement* with Highland Township regarding the Maple River Dam. Upon roll call vote, the motion carried unanimously.

Watershed Detention Studies – Swan Creek Watershed

Chad Engels updated the Board on the Regional Conservation Protection Plan (RCPP) funding application process discussed at the Red River Joint Water Resource District meeting. Discussion was held on the number of applications submitted and the request by the Natural Resources Conservation Service (NRCS) for the Red River Retention Authority (RRRA) to choose 5 or 6 applications out of the 20 received to begin the program. The NRCS has a 3 year time requirement and there is concern about delays with completing the application process and developing the agreements with each of the local applicants. The RRRA has sent a letter to the NRCS requesting they provide additional staffing to expedite local planning and partnership agreement development.

It was moved by Manager Olson and seconded by Manager Lougheed to authorize Moore Engineering, Inc. to inform the NRCS to prioritize and move forward with the application from the Cass County Joint Water Resource District for RCPP funding for the Swan Creek Watershed. Upon roll call vote, the motion carried unanimously.

Reimbursement request #14 from the Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020

It was moved by Manager Jacobson and seconded by Manager Lougheed to approve and authorize the Secretary-Treasurer to sign reimbursement request #14 from the

Diversion Authority from funds administered by the State Water Commission, pursuant to SB 2020. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Olson and seconded by Manager Lougheed to approve the payment of Checks #11976 through #11994, and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Olson, Jacobson, and Lougheed. Manager Wolfer was absent. The Chairman declared the motion passed.

Clean Water Act laws

Sean Fredricks updated the Board on the new Clean Water Act laws and the civil action for declaratory and injunctive relief brought by several states, including North Dakota, against the Environmental Protection Agency (EPA) and Corps of Engineers for unlawful jurisdiction over state land and water resources. Chad Engels and Sean Fredricks will be meeting with the Corps of Engineers at the State Water Commission office.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Jacobson, seconded by Manager Lougheed and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer